

CITY OF ALAMO HEIGHTS
CITY COUNCIL
September 13, 2010

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:30 p.m. on Monday, September 13, 2010.

Present and composing a quorum were:

Mayor Louis Cooper
Mayor Pro-Tempore Stan McCormick
Councilmember Bobby Rosenthal
Councilmember Fred Prassel
Councilmember Elliot Weser
Councilmember John Savage

Also attending were:

City Manager Ann Benson McGlone
City Attorney Mike Brenan
Assistant City Manager/Public Works Director Shawn P. Eddy
Communications/IT Manager Marian Ramirez
Finance Director Cynthia Barr
Community Development Director Brian Chandler
Human Resource Manager Judith E. Surratt
City Secretary Jennifer Reyna
Interim Fire Chief Buddy Kuhn
Police Chief Rick Pruitt

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Mayor Louis Cooper called the meeting to order at 5:35 p.m.

Mayor Cooper announced that addresses were removed from the citizen sign-up sheets and a new format is provided to include: resident, property owner, renter, business owner and other. The new citizen sign-up sheets will be used and addresses may be included again, depending how this new format is welcomed.

Mayor Cooper reminded the audience that each speaker is allotted 3 minutes to speak on the item in which they have signed up for. He requested talking be minimized among the audience so a productive meeting may be conducted. He encouraged everyone to be nice and civil in conveying their thoughts.

Councilmember Elliot Weser explained that Item # 8 was placed on tonight's agenda at his request to allow Council to take a proactive formal action and set public hearings to obtain public input. He thanked Councilmember Fred Prassel for his efforts on this item.

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Mayor Cooper asked City Council for any corrections to the minutes of the August 23, 2010, City Council Meeting. A motion was made by Mayor Pro Tem Stan McCormick to approve the minutes of August 23, 2010. The motion was seconded by Councilmember Bobby Rosenthal and passed by unanimous vote.

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Item # 2 City Manager's Report

a. Public Lands Day, Free Invasive Plant Removal Training, September 25th

City Manager Ann McGlone announced a free invasive plant removal training hosted by the Headwaters Coalition scheduled for Saturday, September 25th, Public Lands Day.

b. Announcement of the Trails Master Plan Meeting, October 30th

Ms. McGlone announced the upcoming Trails Master Plan meeting is scheduled on Saturday, October 30th at the Judson Nature Trails from 9:00 a.m. to Noon. A potential expansion plan will be unveiled and tours of the existing trails will be conducted.

c. Cancellation of the City Council meetings on November 22 and December 27, 2010

Ms. McGlone announced the City Council meetings on November 22 and December 27, 2010 are cancelled due to the holidays.

d. Report on the Storms that occurred on August 24 and September 7, 2010

This item was not presented.

e. Ethics training for City Officials and Employees

Ms. McGlone informed Council of the upcoming Ethics training to be held in September for City Officials and employees. She referred to Ordinance No. 1686 which requires all City officials and employees to acknowledge and abide by the Code of Ethics and Conduct. She offered to schedule a separate ethics training session for City officials, adding that if they preferred they could join the scheduled employee training. Mayor Cooper suggested that staff notify the Council of the training schedule for employees so City officials could consider the two options.

f. Items for Referral or Discussion

1. Scheduling of City Facility Update Presentation

Ms. McGlone proposed that a City Facility update be presented at the September 27th City Council meeting. Council agreed.

2. Annual Audit of City Financials and Procedures

Ms. McGlone informed Council the annual audit is being conducted. The auditor's report will be presented at the Accountability and Management Committee and then a report will be presented to Council. The report will include recommendations on check approval procedures as previously requested by City Council. Council agreed.

3. Annual Evaluation of the City Manager, September 27th

Ms. McGlone stated that her annual evaluation is scheduled for the September 27th City Council meeting during a closed session.

4. Texas Open Meetings Act/Council Committees as requested by Councilmember Bobby Rosenthal

Councilmember Rosenthal expressed concern whether the current Council Committee structure complied with the Open Meetings Act.

City Attorney Mike Brennan stated that the Attorney General's opinions are: 1) that a committee does not have final authority to make a decision and 2) the committee structure is not to be used as a system of developing recommendations to be "rubber stamped" by the Council. He stated that committees may spend time researching items.

Councilmember Rosenthal stated the new Items for Referral or Discussion process is ideal and allows the Council to decide which items go forth to a committee. Council agreed.

5. 30 mph Speed Limit on Certain Streets as requested by Councilmember Bobby Rosenthal

Councilmember Rosenthal encouraged the City to establish a process to identify streets that could be exempted from the 25 mph speed limit. Councilmember Rosenthal identified Alamo Heights Boulevard, Tuxedo Avenue west of Nacogdoches Road and Nacogdoches Road between West Oakview Place and Tuxedo Avenue.

Police Chief Rick Pruitt stated Tuxedo Avenue is a street more heavily traveled than other streets and there are high incidents of speeding. There were 79 citations and 183 warnings issued since January on Tuxedo Avenue alone and that the majority of the violators are non-residents. Currently, mechanical surveys are conducted on the streets within the boundaries of Broadway and North New Braunfels to identify the average speed and traffic volume. Chief Pruitt stated a community planner will be engaged to explore ways to discourage speeding, neighborhood parking and other issues.

Ms. McGlone added a traffic engineer report will be conducted and presented to the City Council as well as suggestions on how to obtain community input.

Mayor Cooper agreed with Councilmember Rosenthal that a process needs to be established. He encouraged research from a parking consultant and an engineer's report to

obtain the average speed, accident information and provide a report to the City Council. Mayor Cooper suggested staff conduct further research on the following streets: Alamo Heights Boulevard, Tuxedo Avenue, and Nacogdoches Road. Council agreed and will expect a future report to Council.

**6. City's participation in the Texas Municipal Retirement System (TMRS)
as requested by Councilmember John Savage**

Councilmember John Savage provided background information on the retirement plan changes that were implemented in 2006 which included an increased match from the City, an updated service credit, and a Cost of Living Allowance (COLA). He noted that in 2008, the TMRS actuarial firm changed the way that TMRS calculated and amortized the plan benefits which decreased the employer's contribution portion to about 41%, which he is not comfortable with. He commented that the City has the option to change the provisions of the plan and expressed concern that the cost of this current retirement plan may be higher in the future at the taxpayers' cost.

Lorraine Moreno, representative from TMRS, explained the updated service credit benefit, the 8-year phase-in rate on the cost of living rate and the funded liability ratio.

Councilmember Weser asked about the COLA for retirees.

Ms. Moreno responded the City has the option of approving retiree COLAs on an annual ad hoc basis; however, the municipality would likely pay a higher contribution rate over the long term than it would with a defined annual COLA. She added that the option is not retroactive.

Councilmember Prassel asked about the 5% interest guarantee on a member's account.

Ms. Moreno stated TMRS currently guarantees member's investments to grow at a minimum of 5% per year and stated that TMRS has a reserve fund to cover any potential shortfall. She stated the investments are doing well and added that she would be happy to provide any additional information requested by the City Council.

Councilmembers Prassel and Weser expressed concern on the proposed budget related to the retirement plan.

Councilmember Savage stated the calculations are in the budget.

City Manager Ann McGlone stated that the 41% liability ratio is supported by the actuary's information and it is prudent for the City not to provide 100% funding for all employees who are retiring at different times. She reminded Council that in 2005, the Council at that time decided to make changes and noted that the previous City Council authorized paying the full TMRS contribution rate beginning with the FY 2010 budget to avoid potential actuarial losses which would likely adversely affect future TMRS rates.

Councilmember Savage recommended that this item be further evaluated by the Accountability and Management Committee and obtain projections for other options under TMRS. Council agreed.

The following citizens spoke on various items under the City Manager's Report:

Lissa Martinez, resident, thanked Community Development Director Brian Chandler for adopting Public Lands Day to implement Comprehensive Plan priorities. She invited the public to attend the invasive plant removal training.

Bill Kiel, resident and property owner, expressed concern on the Council Committee structure. Related to TMRS, Mr. Kiel stated the cost rate at 18% was in last year's and this year's budget for the purpose to catch up, as it is prudent.

Tom Harmon, resident, supportive of returning certain residential streets to 30 mph speed limit.

Cindy James, resident, spoke in support of maintaining 25 mph speed limit on Alamo Heights Boulevard as she is concerned for the safety of pedestrians.

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Citizens To Be Heard Concerning Non-Agenda Items

Dr. Donald West, commercial property owner, stated his property has been vacant for 16 months. He stated he had a letter of intent from Chase Bank to redevelop the property at 4620 Broadway into a drive-through facility. He informed Council that Chase Bank agreed to a 20-year lease and that time and money has been dedicated to this project which will result in a financial strain on him and his wife with the prohibition of drive-through facilities.

Nancy West, commercial property owner, reiterated that a letter of intent was signed on May 5, 2010 with Chase Bank in building a facility to be in compliance with the Codes of Ordinances for the property located at 4620 Broadway. She requested this item be grandfathered and as it will also generate property tax revenue. Ms. West expressed appreciation to the Council for their time.

May O'Neal, resident and property owner, encouraged the City to make Alamo Heights a Windtricity partner with CPS Energy because cities are becoming "green".

Madelon Highsmith, resident and property owner, encouraged the City to provide crosswalks at Bluebonnet Boulevard and Broadway and to increase the timing of the traffic light to allow school children to cross safely.

Lorraine Moreno, TMRS representative, stated a municipality may not get out of TMRS once the municipality is enrolled and the current employees are grandfathered in; however, the municipality has the option not to enroll new employees if discontinuing retirement services through TMRS.

Marcia Weser, resident, stated she called Curbside Inc. to schedule a hazardous waste material pick up and the company informed her that funds were exhausted and were unable to accommodate her request.

Communications/IT Manager Marian Ramirez responded to Ms. Weser that three days ago, Curbside Inc., confirmed that funds were exhausted to pick up additional hazardous waste. Currently, the City is exploring new options for hazardous waste pick-up.

Ruth Chislett, resident, stated Curbside Inc. will be coming to her residence to pick up her hazardous materials.

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Consent Item

Item # 4 Mayor Cooper read the following caption.

Request for permission to refund a duplicate or erroneous property tax payment to Ann Griffith Ash, property owner of two condominium properties located at 320 Kampmann Avenue, in the amount of \$9,109.10

A motion for approval was made by Councilmember Rosenthal. The motion was seconded by Mayor Pro Tem McCormick and passed by unanimous vote.

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Public Hearing

Item # 5 Mayor Cooper read the following caption.

Public Hearing on Proposed Fiscal Year 2010-2011 Annual Operating Budget

Mayor Cooper opened the public hearing at 7:11 p.m.

Suzy Bettac, resident, asked what are the projects earmarked in the Comprehensive Plan Fund.

Assistant City Manager/Public Works Director Shawn Eddy responded to Ms. Bettac that the total amount in the Comprehensive Plan Fund includes an amount that was carried forward from the previous year and is designated for approved Strategic Action Plan projects. He added that Council has requested to approve any project prior to spending the money from the Comprehensive Plan Fund. Mr. Eddy stated the \$10,000 donation for the dog park is included in the fund and will be returned to the Brown Foundation, if the donated contribution is not utilized for a dog park.

Community Development Director Brian Chandler added that projects in the Comprehensive Plan includes the Economic Development study, Parking study, Trails Master Plan, and perhaps the housing inventory if a consultant is required.

Bill Kiel, resident and property owner, asked if the funds are earmarked specifically for the downtown sector and what defines the aging commercial district. Mr. Kiel recommended a survey for shoppers and taxpayers and if there are funds earmarked in this proposed budget for city facilities, repair and renovation.

Mayor Cooper responded to Mr. Kiel about that he has hosted business luncheons and will continue to do so with different types of owners to obtain input. He stated improvements would include addressing the flooding issues within the business district.

Mr. Eddy stated that the only funds included in the FY 2011 Budget are the typical funds to maintain the existing facilities.

City Manager Ms. McGlone stated four Firefighters will start on September 20th and the Fire Department has only one vacant Firefighter position. She also added that the City is planning to conduct a survey of residents to solicit their opinions on how to improve the commercial district.

Mayor Cooper closed the public hearing at 7:27 p.m.

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Items for Individual Consideration

Item # 6 Mayor Cooper read the following caption.

ORDINANCE NO. 1879

AN ORDINANCE APPROVING THE MAYOR'S NOMINATION OF MARY BARTLETT, CURRENT BOARD OF ADJUSTMENT MEMBER, TO SERVE ON THE ARCHITECTURAL REVIEW BOARD

Community Development Director Brian Chandler presented a PowerPoint presentation that included background information.

Councilmember Weser asked Ms. Bartlett if she had any relationship by blood or marriage to a City official or Councilmember.

Ms. Barlett responded in the negative.

Mayor Cooper stated that Charles John, former Architectural Review Board member, resigned due to moving away from the City.

A motion for approval was made by Councilmember Prassel. The motion was seconded by Councilmember Savage and passed by unanimous vote.

Item # 7 Mayor Cooper read the following caption.

RESOLUTION NO. 2010R - 017

A Resolution approving a Green Power Community (GPC) Partnership Agreement with Environmental Protection Agency (EPA) through its Windtricity Business Partnership with CPS Energy and authorizing the City Manager to execute all documents relating to such partnerships

Assistant City Manager/Public Works Director Shawn P. Eddy made a PowerPoint presentation that included background information and benefits on the Windtricity program.

Mr. Eddy presented a graph on the community electrical use from 2008 – 2010, an update on the total electric service and the unlocked Windtricity price. Currently, there are 142 Windtricity customers, including residents and businesses. He presented options on the Windtricity program as a Windtricity Business Partner at different levels, or the option to terminate the month-to-month contract.

Mr. Eddy reported that the City will need to participate at least a 15% level for the City to be designated as an EPA Green Power Community.

Roland Hinojosa and Justin Chamberlin, CPS Energy representatives, were present.

Justin Chamberlin stated there is no information related specifically to residential customers as the new rate is new; however, the program will be available to the community and overall there are 7,000 customers in the Windtricity program.

A motion for approval was made by Councilmember Prassel for the City of Alamo Heights to be a Green Power Community and he requested the Windtricity level of participation to be considered by the Infrastructure and Services Committee. The motion was seconded by Mayor Pro Tem McCormick and passed by unanimous vote.

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Item # 8 Mayor Cooper read the following caption.

AN ORDINANCE DETERMINING THAT A CHARTER AMENDMENT TO INCLUDE THE RIGHTS OF QUALIFIED ELECTORS OF THE CITY TO INITIATE AN ORDINANCE AND RESCIND AT THE POLLS AN ORDINANCE APPROVED BY THE CITY COUNCIL AND THE PETITION AND PROCEDURES FOR INITIATIVE, REFERENDUM

**AND RECALL OF ELECTIVE OFFICERS SHOULD
BE SUBMITTED TO THE VOTERS OF THE CITY
ON MAY 14, 2011 AS REQUESTED BY
COUNCILMEMBER ELLIOT WESER**

Councilmember Weser expressed concern on the language and the content of the proposed charter amendment as it is not well defined and this item needs additional time for consideration. He requested this item to be tabled so that public meetings may be scheduled.

Bill Kiel, resident and property owner, expressed concern regarding the 6-month time period for an initiative and referendum to be rescinded and the reasoning. Mr. Kiel also expressed concern with the possibility that an initiative is approved and it violates state law.

Mr. Eddy explained that an ordinance may be repealed, amended or created at anytime by the City Council; however, what is proposed in the charter amendment is there will be a 6-month period in which City Council may not repeal or amend an ordinance created or repealed by the initiative and referendum process.

City Attorney Mike Brennan responded to Mr. Kiel that a petition process includes validation of the petition and finalization of the ordinance, which may be coordinated with the City.

A motion was made by Councilmember Weser to table Item # 8. The motion was seconded by Councilmember Prassel and passed by unanimous vote.

Item # 9 Mayor Cooper read the following caption.

ORDINANCE NO. 1880

**AN ORDINANCE AMENDING CHAPTER 4 OF THE
CODE OF ORDINANCES BY REPEALING
SECTION 4-15 AND REPLACING IT WITH A NEW
SECTION 4-15**

Police Chief Rick Pruitt made a PowerPoint presentation that included background information on the proposed amendments including the need to limit the feeding of animals on public property.

A motion was for approval made by Councilmember Rosenthal. The motion was seconded by Councilmember Prassel and passed by unanimous vote.

Item # 10 Mayor Cooper read the following caption.

RESOLUTION NO. 2010R - 018

A Resolution adopting the City of Alamo Heights Investment Policy

Finance Director Cynthia Barr made a PowerPoint presentation that included background information and a proposed revision.

She stated that per Texas Government Code 2256, investment of funds shall be governed by the following objectives, in order of priority: preservation and safety of principal, liquidity, and last of all yield. The proposed change includes a delegate revision, adding Accounting Supervisor Pam Larison, as the alternate Investment Officer.

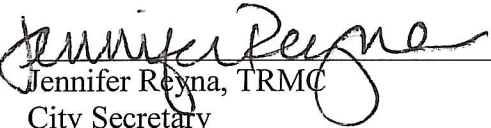
A motion for approval was made by Councilmember Prassel. The motion was seconded by Councilmember Weser and passed by unanimous vote.


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There being no further business, a motion was made by Mayor Pro Tem McCormick to adjourn the meeting. The motion was seconded by Councilmember Prassel and passed by unanimous vote. Mayor Cooper adjourned the meeting at 8:15 p.m.


Jennifer Reyna, TRMC
City Secretary


Louis Cooper
Mayor